

IN THE SENATE

SENATE BILL NO. 1270

BY WINDER

AN ACT

RELATING TO ABORTION AND CONTRACEPTIVES; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-611, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FREEDOM OF CONSCIENCE FOR HEALTH CARE PROFESSIONALS, TO PROVIDE IMMUNITY FROM LIABILITY, TO PROVIDE AN EXCEPTION AND TO PROHIBIT DISCRIMINATION; AND PROVIDING SEVERABILITY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 6, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-611, Idaho Code, and to read as follows:

18-611. FREEDOM OF CONSCIENCE FOR HEALTH CARE PROFESSIONALS. (1) As used in this section:

(a) "Conscience" means the religious, moral or ethical principles sincerely held by any person.

(b) "Health care professional" means any person licensed, certified or registered by the state of Idaho to deliver health care.

(c) "Health care service" means an abortion, dispensation of an abortifacient drug or drugs that may act as abortifacients, human embryonic stem cell research, human embryo cloning, euthanasia or assisted suicide.

(d) "Provide" means to counsel, advise, perform, dispense, assist in or refer for any health care service.

(2) No health care professional shall be required to provide any health care service that violates his or her conscience.

(3) Employers of health care professionals shall reasonably accommodate the conscience rights of their employees as provided in this section, upon written notification by the employee. Such notice shall suffice without specification of the reason therefor.

(4) No health care professional or employer of the health care professional shall be civilly, criminally or administratively liable for the health care professional declining to provide health care services that violate his or her conscience.

(5) It shall be unlawful to discriminate against any health care professional based upon his or her declining to provide a health care service that violates his or her conscience, unless the accommodation of a health care professional's conscience rights creates an undue hardship on the employer. If an employer determines that an undue hardship is created, the employer shall make an effort to work with the affected health care professional to find a reasonable accommodation of the health care professional's conscience rights.

(6) The provisions of this section do not allow a health care professional or employer of the health care professional to refuse to

1 provide health care services because of the patient's race, color, religion,  
2 sex, age, disability or national origin.

3 (7) Nothing in this section shall affect the rights of conscience  
4 provided for in section 18-612, Idaho Code, to the extent that those rights  
5 are broader in scope than those provided for in this section.

6 SECTION 2. The provisions of this act are hereby declared to be  
7 severable and if any provision of this act or the application of such  
8 provision to any person or circumstance is declared invalid for any reason,  
9 such declaration shall not affect the validity of the remaining portions of  
10 this act.